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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,713	11/27/2001	Philippe Benezech	BET01/0965	8355

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,713

Applicant(s)

BENEZECH ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 2/24/06 have been fully considered but they are not persuasive.

In response to Applicant argument: Indeed, the cabinets of Kobayashi and Reber are not alike, in that Kobayashi is a much more thermally complex cabinet and is tightly sealed in order to be maintained under vacuum. Therefore, in combination with the different temperature differences (the ΔT being maintained across the cabinet wall), the heat loss due to a coaxial cable penetrating the Kobayashi cabinet wall is much more significant than the heat loss associated with the wire penetrating the Reber cabinet wall. The Examiner respectfully disagrees. Kobayashi et al. and Reber are in the same field of endeavors. As disclose by Kobayashi, a heat insulation chamber (see abstract) and Reber to disclose an oven (see col.3 lines 19-20).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-4 and 6-10, are rejected under 35 U.S.C. 103(b) as being unpatentable over Reber et al. (US Patent 5,969,606) in view of Kobayashi et al. (6,367,266).

Regarding claims 1 and 10, Reber et al. disclose an assembly comprising:

a work cabinet (24) having walls whose inside surfaces delimit a work space that is adapted to receive an object (20) to be subjected to a chemical or physical condition (see col.2 lines 50-60); and

a communication system that includes a first communication device (see fig.6), a radio frequency antenna connected to said first communication device (86,88 fig.6), and a second communication device that is to be associated with the object in said work space (30, fig.5), said first communication device communicating with said second communication device via said antenna,

wherein at least a part of one of said walls of said work cabinet is transparent to a radio frequency used by said antenna (see col.3 lines 19-20, "refrigerator, a cupboard, a pantry, a room" reads on "transparent to a radio frequency").

Reber et al. fail to disclose a first communication device outside said work space and said antenna being separated from said work space by said at least part of one of said walls.

Kobayqashi et al. disclose a first communication device outside said work space and said antenna being separated from said work space by said at least part of one of said walls (see 13, fig.1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reber et al. with the above teaching of Kobayqashi et al. in order to provide the thermal conductivity of the radio transmission path is generally smaller that that of a conductor, so that heat flowing in and out between the outside and the inner chamber is suppressed as suggested by Kobayqashi et al. (see col.2 line 65 through col.3 line 3).

The combined Reber discloses one of said walls is movable between an open position that provides access to said work space and a closed position that bars access to said work space (see Reber et al., col.3 line 14-20).

Regarding claim 3, the modified Reber et al. disclose said at least a part on one of said walls is an entire thickness of said one of said walls and wherein said antenna is outside said one of said walls (see Kobayashi et al., 13, fig.1).

Regarding claim 4, the modified Reber et al. said antenna is carried by said one of said walls (see Reber et al., fig.1).

Regarding claim 6, the modified Reber et al. disclose work cabinet comprises an inside door and an outside door, and wherein said inside door is said one of said walls (see Reber et al., col.3 lines 17-18, "refrigerator" includes inside and outside door).

Regarding claim 7, Reber et al. disclose at least a part of one of said walls comprises a partition and a layer of thermally insulating material (see Reber et al., col.3 lines 17-18, "refrigerator" reads on "thermally insulating").

Regarding claim 8, Reber et al. disclose said second communication device is an identification transponder (see Reber et al., col.5 line 49 through col.6 line 28).

Regarding claim 9, Reber et al. disclose an assembly comprising:

a work cabinet (see col.2 lines 14-20) that is thermostatically controlled and that has walls whose inside surfaces delimit a work space that is adapted to receive an object (see col.2 lines 42-60); and

a communication system that includes a first communication device outside said work space (see fig.6), a radio frequency antenna connected to said first communication device (86,88 fig.6), and a second communication device that is to be associated with the object in

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said work space (30, fig.5), said first communication device communicating with said second communication device via said antenna,

wherein at least a part of one of said walls of said work cabinet is transparent to a radio frequency used by said antenna (see col.3 lines 19-20, "refrigerator, a cupboard, a pantry, a room" reads on "transparent to a radio frequency").

Reber et al. fail to disclose a first communication device outside said work space and said antenna being separated from said work space by said at least part of one of said walls.

Kobayqashi et al. disclose a first communication device outside said work space and said antenna being separated from said work space by said at least part of one of said walls (see 13, fig.1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reber et al. with the above teaching of Kobayqashi et al. in order to provide the thermal conductivity of the radio transmission path is generally smaller than that of a conductor, so that heat flowing in and out between the outside and the inner chamber is suppressed as suggested by Kobayqashi et al. (see col.2 line 65 through col.3 line 3).

The combined Reber discloses one of said walls is movable between an open position that provides access to said work space and a closed position that bars access to said work space (see Reber et al., col.3 line 14-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. in view of Kobayashi et al. and further in view of Mosebrook et al. (US Patent 5,736,965).

Regarding claim 2, the modified Reber et al. fail to disclose said antenna is in said one of said walls.

Mosebrook et al. disclose antenna is in said one of the walls. (see col.2 lines 59-60). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reber et al. with the above teaching of Mosebrook et al. in order to hide the antenna from the view.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

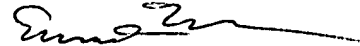
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 6, 2006



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